IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1665 OF 2004

IN

SUIT NO.1327 OF 2004

...

M/s.Shivkumar V. Mawawalla ...Plaintiff

v/s

M/s.Punjabi Ghasitaram Halwai Karachiwala ...Defendant

...

Mr.Vaishnawa i/b N.N.Vaishnawa for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 25TH AUGUST,2005

P.C.:

1. In paragraph 2 of the affidavit filed in support of the notice of motion, the Plaintiff has stated that the Defendants Nos. 1, 2 & 6 have been declared insolvent. Defendant No.1 is a partnership firm. If that is so, as a consequence of that order in view of the provisions of Section 17 Insolvency Act, the property of the insolvent get vested in Official Assignee and creditors of the insolvent will not have any remedy against any property of the insolvent.

2. In this view of the matter, therefore, no orders can be passed in this Notice of Motion. Notice of Motion disposed of.

...